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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 CHARLES CASTON,)
9 Plaintiff,) 2:08-cv-00059-RLH-PAL
10 vs.)
11 SHAQUEL ONEAL, et al.,) **REPORT OF FINDINGS AND**
12 Defendants.) **RECOMMENDATION**
13

14 Plaintiff Charles Caston is proceeding in this action *pro se*. Plaintiff filed a “Civil Asset
15 Forfeiture” (Dkt. #1) on January 16, 2008, which the court treated as a complaint. Because the court
16 granted Plaintiff’s request to proceed *in forma pauperis*, the court screened the pursuant to 28 U.S.C.
17 § 1915(e). The undersigned found that Plaintiff’s complaint failed to state a claim and allowed Plaintiff
18 thirty days to file an amended complaint. Plaintiff has neither filed an amended complaint nor
19 requested an extension of time nor taken any other action to prosecute this case. Plaintiff was warned
20 that failure to comply with the screening order would result in a recommendation to the District Judge
21 that this case be dismissed.

22 Accordingly,

23 **IT IS THE RECOMMENDATION** of the undersigned United States Magistrate Judge that
24 the complaint be **DISMISSED**.

25 Dated this 29th day of January, 2009.

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28 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve *specific written objections* together with points and authorities in support of those objections, within ten (10) days of the date of service of the findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.